

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Angela Burton,

Plaintiff,

Case No. 21-cv-10012

v.

Judith E. Levy

United States District Judge

Canterbury Health Care,
Incorporated,

Mag. Judge Elizabeth A. Stafford

Defendant.

_____ /

**ORDER DISMISSING CASE WITH PREJUDICE
FOR FAILURE TO PROSECUTE**

Plaintiff Angela Burton filed the complaint in this case on January 5, 2021. (ECF No. 1.) On September 30, 2021, Plaintiff's counsel at Marko Law, PLLC—Jonathan R. Marko, Katherine Hazel Olds, and Kirstina Rae Magyari—filed a motion to withdraw. (ECF No. 19.) According to the motion, “[s]ince the beginning of August 2021 until present there has been a to[t]al breakdown in communications between counsel at the law firm of Marko Law and Plaintiff Angela Burton.” (*Id.* at PageID.78.) Counsel indicated that it “has communicated to Plaintiff Burton through letter, email, and voicemail that it would be forced to ask the Court for

leave to withdraw based on the foregoing.” (*Id.*) Counsel stated that “[g]iven the fact the [sic] Plaintiff Burton has refused to meaningfully communicate with counsel at Marko Law, representation has been rendered unreasonably difficult and good cause exists for the instant request to withdraw under [Michigan Rule of Professional Conduct] 1.16(b).” (*Id.*)

On October 5, 2021, the Court granted counsel’s motion to withdraw and stayed the case for forty-five days to give Plaintiff an opportunity to obtain new counsel. (ECF No. 20.) The Court’s Order states:

Within forty-five days of the entry of this Order, Plaintiff must indicate to the Court whether she (a) has retained new counsel by having a lawyer file an appearance on her behalf or (b) wishes to proceed pro se. If Plaintiff does not contact the Court within forty-five days, the Court will presume that Plaintiff no longer wishes to pursue her case, and the Court will dismiss the case with prejudice.

(*Id.* at PageID.82.)

To date, Plaintiff has not responded to the Court’s Order, and there have been no attorney appearances in this case since the withdrawal of counsel at Marko Law, PLLC.

Accordingly, pursuant to Eastern District of Michigan Local Rule 41.2,¹ this case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: December 7, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 7, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

¹ Eastern District of Michigan Local Rule 41.2 provides that "when it appears . . . that the parties have taken no action for a reasonable time, the Court may, on its own motion after reasonable notice or on application of a party, enter an order dismissing or remanding the case unless good cause is shown." E.D. Mich. LR 41.2.